

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

ORDER NO. 6-98-36

NPDES NO. CAG996001

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)
GENERAL PERMIT FOR
LIMITED THREAT DISCHARGES TO SURFACE WATERS**

The California Regional Water Quality Control Board, Lahontan Region, (hereafter Regional Board) finds that:

1. Reason for Permit

Public and private businesses (hereafter Discharger) often need to discharge clean or relatively pollutant-free water that poses little or no threat to water quality. This General Permit covers the discharge of certain categories of these discharges to waters of the United States.

Individual NPDES permits are presently adopted for these discharges, necessitating approximately four or more months of lead time for the project. Adoption of this General Permit will significantly reduce the time spent permitting limited threat projects.

2. Coverage Under This Permit

To be authorized by this General Permit, limited threat discharges must meet the following criteria:

- A. The discharge is in compliance with all applicable water quality objectives including prohibitions of discharge (see Chapters 3, 4.1, and 5.2 of the Water Quality Control Plan for the Lahontan Region).
- B. The discharge does not include water added for the purpose of diluting pollutant concentrations.
- C. The discharge will not cause or contribute to degradation of water quality or impair beneficial uses of receiving waters.

3. Discharges Covered Under This Permit

Only the following discharges will be covered by this permit provided they meet the criteria specified herein:

- A. Pump/well testing
- B. Dewatering

This permit is intended to regulate the limited threat discharges identified above. It is not intended for ground water cleanup projects or to regulate discharges that contain chemical or organic constituents, bacteria, herbicides, pesticides, oil and grease, radioactivity, salinity or temperature that may adversely impact beneficial uses or which cause acute or chronic toxicity in aquatic life.

4. Water Quality Characteristics

Water quality characteristics most likely of concern for these discharges include nutrients, dissolved minerals, settleable material, suspended material and turbidity. Testing will be required throughout the period of discharge to ensure continuous compliance with requirements.

5. Obtaining Permit Authorization

To obtain authorization for discharges under this permit, the owner or developer responsible for the construction activity must submit a Notice of Intent (NOI) with an appropriate fee, and a report of waste discharge that contains pre-discharge water quality analysis and a discussion of Best Management Practices (BMP) to be employed prior to the discharge. BMPs will include disposal practices for development water, energy dissipation, etc. Regional Board staff will review water quality data to ensure that receiving water limits are not exceeded. The owner or developer shall be authorized to discharge under the terms and conditions of this permit only after receiving a written Notice of Applicability (NOA) from the Regional Board Executive Officer.

The Discharger agrees immediately to stop any discharge authorized by these requirements in the event there is a violation of this permit or if the Regional Board Executive Officer so orders. The discharge may not be resumed until authorized by the Executive Officer.

6. Individual Waste Discharge Requirements

The Regional Board may prescribe individual waste discharge requirements for any discharge. If individual waste discharge requirements are issued for a discharge, the applicability of this General Permit to the discharge is immediately terminated.

7. Minor Discharges

The U.S. Environmental Protection Agency (EPA) and the Regional Board generally classify this type of discharge as a minor discharge. If an individual discharge is classified as a major discharge, it will not be covered by this General Permit.

8. Local Agency Authority

This Order does not preempt or supersede the authority of the State Department of Fish and Game or local agencies to prohibit, restrict, or control the discharge of wastewater subject to their control.

9. Water Quality Control Plan for the Lahontan Region

The Regional Board adopted the Water Quality Control Plan for the Lahontan Region (Basin Plan) on March 31, 1995. The Basin Plan contains beneficial use designations and water quality objectives for all waters of the Lahontan Region. These requirements implement this Plan.

10. Prohibitions in the Lahontan Region

The Basin Plan contains prohibitions against the discharge of wastes to surface waters in various locations throughout the Lahontan Region. Any discharge proposed in an area where a discharge prohibition may apply must be evaluated on an individual basis to determine if the discharge would violate the prohibition. Exemptions may be granted on a case by case basis by resolution of the Regional Board, or by the Executive Officer in accordance with Regional Board policy.

11. Beneficial Uses - Ground Water

The designated beneficial uses of ground water within the Lahontan Region are municipal, industrial, and agricultural supply and fresh water recharge.

12. Beneficial Uses - Surface Waters

The designated beneficial uses of surface waters in the Lahontan Region are: municipal and domestic, industrial, and agricultural supply; water contact and non-contact recreation; rare, threatened or endangered species; navigation; ground water recharge, fresh water replenishment; hydropower generation; warm and cold fresh water habitat, commercial and sport fishing, preservation of biological habitats of special significance, aquaculture, flood peak attenuation/flood water storage, commercial and sports fishing, migration of aquatic organisms, inland saline water habitat, spawning, reproduction and development, wildlife habitat and water quality enhancement.

13. Land Disposal

The Basin Plan encourages the disposal of wastewater on land where practicable, and requires applicants for discharge permits to evaluate land disposal as a first alternative. Where studies show that year-round land disposal is not practicable, the Regional Board will require dischargers to evaluate dry season land disposal as an alternative.

14. Antidegradation

The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Water Resources Control Board Resolution 68-16 and finds that the subject discharges are consistent with those provisions. If the discharge is not consistent with these policies it will not be covered under this permit, but could have a separate permit. There will not be degradation if the requirements of the permit are met.

15. Effluent Limits and Standards

Effluent limitations, and toxic and pretreatment effluent standards established pursuant to Sections 301, 302, 304, and 307 of the Clean Water Act (CWA) and amendments thereto are applicable to the discharge.

16. CEQA Compliance

The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.

17. Public Notification

The Regional Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements in this General Order and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge.

18. Applicability

This Order shall serve as an NPDES permit pursuant to Section 402 of the Clean Water Act, and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.

IT IS HEREBY ORDERED that all Dischargers that file an NOI and appropriate filing fee indicating their intention to be regulated under provisions of this General Order, and all heirs, successors, or assigns, in order to meet the provisions contained in Division 7 of the California Water Code and Regulations adopted thereunder, and the provisions of the Clean Water Act and Regulations and Guidelines adopted thereunder, shall comply with the following:

1. **Regionwide Discharge Prohibitions:**

A. Discharge Specifications

1. Discharge of wastewater other than that described in Finding No. 2 is prohibited.
2. The discharge of waste which causes violation of any narrative water quality objective contained in the Basin Plan, including the Nondegradation Objective, is prohibited.
3. The discharge of waste which causes violation of any numeric water quality objective or prohibition contained in the Basin Plan is prohibited. (see Chapters 3, 4.1 and 5.2 of the Basin Plan)

4. Where any numeric or narrative water quality objective contained in the Basin Plan is already being violated, the discharge of waste which causes further degradation or pollution is prohibited.

2. Discharge Specifications

A. Receiving Water Limitations

The following narrative water quality objectives apply to all surface waters, including wetlands, in the Lahontan Region. The discharge of waste from within the project area to surface waters shall not cause a violation of the following:

1. Ammonia

Ammonia concentrations shall not exceed the values listed in Tables 3-1 to 3-4 of the Basin Plan for the corresponding conditions in these tables.

2. Bacteria, Coliform

Waters shall not contain concentrations of coliform organisms attributable to anthropogenic sources, including human and livestock wastes.

The fecal coliform concentration during any 30-day period shall not exceed a log mean of 20/100 ml, nor shall more than 10 percent of all samples collected during any 30-day period exceed 40/100 ml. *The log mean shall ideally be based on a minimum of not less than five samples collected as evenly spaced as practicable during any 30-day period. However, a log mean concentration exceeding 20/100 ml for any 30-day period shall indicate violation of this objective even if fewer than five samples were collected.*

3. Biostimulatory Substances

Waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect the water for beneficial uses.

4. Chemical Constituents

Waters designated as MUN shall not contain concentrations of chemical constituents in excess of the maximum contaminant level (MCL) or secondary maximum contaminant level (SMCL) based upon drinking water standards specified by the more restrictive of the California Code of Regulations, Title 22, Division 4, Chapter 15, or 40 Code of Federal Regulations, Part 141.

Waters shall not contain concentrations of chemical constituents in amounts that adversely affect the water for beneficial uses.

5. Chlorine, Total Residual

For the protection of aquatic life, total chlorine residual shall not exceed either a median value of 0.002 mg/L or a maximum value of 0.003 mg/L. Median values shall be based on daily measurements taken within any six-month period.

6. Color

Waters shall be free of coloration that causes nuisance or adversely affects the water for beneficial uses.

7. Dissolved Oxygen

The dissolved oxygen concentration, as percent saturation, shall not be depressed by more than 10 percent, nor shall the minimum dissolved oxygen concentration be less than 80 percent of saturation.

For waters with the beneficial uses of COLD, COLD with SPWN, WARM, and WARM with SPWN, the minimum dissolved oxygen concentration shall not be less than that specified in Table 3-6 of the Basin Plan.

8. Floating Materials

Waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect the water for beneficial uses.

For natural high quality waters, the concentrations of floating material shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

9. Oil and Grease

Waters shall not contain oils, greases, waxes or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect the water for beneficial uses.

For natural high quality waters, the concentration of oils, greases, or other film or coat generating substances shall not be altered.

10. Nondegradation of Aquatic Communities and Populations

All wetlands shall be free from substances attributable to wastewater or other discharges that produce adverse physiological responses in humans, animals, or plants; or which lead to the presence of undesirable or nuisance aquatic life.

All wetlands shall be free from activities that would substantially impair the biological community as it naturally occurs due to physical, chemical and hydrologic processes except as authorized by this permit (dredge and fill in wetlands).

11. Pesticides

For the purposes of this Basin Plan, pesticides are defined to include insecticides, herbicides, rodenticides, fungicides, pesticides and all other economic poisons. An economic poison is any substance intended to prevent, repel, destroy, or mitigate the damage from insects, rodents, predatory animals, bacteria, fungi or weeds capable of infesting or harming vegetation, humans, or animals (CA Agriculture Code § 12753).

Pesticide concentrations, individually or collectively, shall not exceed the lowest detectable levels, using the most recent detection procedures available. There shall not be an increase in pesticide concentrations found in bottom sediments. There shall be no detectable increase in bioaccumulation of pesticides in aquatic life.

Waters designated as MUN shall not contain concentrations of pesticides or herbicides in excess of the limiting concentrations set forth in the California Code of Regulations, Title 22, Division 4, Chapter 15.

12. pH

In fresh waters with designated beneficial uses of COLD or WARM, changes in normal ambient pH levels shall not exceed 0.5 pH units. For all other waters of the Region, the pH shall not be depressed below 6.5 nor raised above 8.5.

The Regional Board recognizes that some waters of the Region may have natural pH levels outside of the 6.5 to 8.5 range. Compliance with the pH objective for these waters will be determined on a case-by-case basis.

13. Radioactivity

Radionuclides shall not be present in concentrations which are deleterious to human, plant, animal, or aquatic life nor which result in the accumulation of radionuclides in the food web to an extent which presents a hazard to human, plant, animal, or aquatic life.

Waters shall not contain concentrations of radionuclides in excess of the limits specified by the more restrictive of the California Code of Regulations, Title 22, Division 4, Chapter 15, or 40 Code of Federal Regulations, Part 141.

14. Sediment

The suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect the water for beneficial uses, except as authorized by this permit (dredge and fill activities in wetlands).

15. Settleable Materials

Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or that adversely affects the water for beneficial uses. For natural high quality waters, the concentration of settleable materials shall not be raised by more than 0.1 milliliter per liter.

16. Suspended Materials

Waters shall not contain suspended materials in concentrations that cause nuisance or that adversely affects the water for beneficial uses.

For natural high quality waters, the concentration of total suspended materials shall not be altered to the extent that such alterations are discernible at the 10 percent significance level.

17. Taste and Odor

Waters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish or other edible products of aquatic origin, that cause nuisance, or that adversely affect the water for beneficial uses. For naturally high quality waters, the taste and odor shall not be altered.

18. Temperature

The natural receiving water temperature of all waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Board that such an alteration in temperature does not adversely affect the water for beneficial uses.

For waters designated WARM, water temperature shall not be altered by more than five degrees Fahrenheit (5°F) above or below the natural temperature. For waters designated COLD, the temperature shall not be altered.

Temperature objectives for COLD interstate waters and WARM interstate waters are as specified in the "Water Quality Control Plan for Control of Temperature in The Coastal and Interstate Waters and Enclosed Bays and Estuaries of California" including any revisions. This plan is summarized in Chapter 6 (Plans and Policies), and included in Appendix B of the Basin Plan.

19. Toxicity

All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. *Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, bioassays of appropriate duration and/or other appropriate methods as specified by the Regional Board.*

The survival of aquatic life in surface waters subjected to a waste discharge, or other controllable water quality factors, shall not be less than that for the same water body in areas unaffected by the waste discharge, or when necessary, for other control water that is consistent with the requirements for “experimental
Standard Methods for the Examination of Water and Wastewater (American Public Health Association, et al. 1992).

20. Turbidity

Waters shall be free of changes in turbidity that cause nuisance or adversely affect the water for beneficial uses. Increases in turbidity shall not exceed natural levels by more than 10 percent.

3. Provisions

- A. The Discharger must comply with all conditions of this Order, including timely submittal of monitoring reports as directed in Monitoring and Reporting Program No. 98-??? or by the Executive Officer. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in revocation of authorization to discharge under this Order.
- B. Individual owners of the real property at which the discharge will occur are ultimately responsible for ensuring compliance with these requirements. Individuals and companies responsible for site operations retain primary responsibility for compliance with these requirements, including day-to-day operations and monitoring. Enforcement actions will be taken against landowners in the event that enforcement actions against site operators are ineffective or would be futile, or that enforcement is necessary to protect public health or the environment.
- C. A copy of this Order shall be kept at the discharge facility for reference by operating personnel. Key operating and site management personnel shall be familiar with its contents.
- D. The Discharger shall comply with all the applicable items of the "Standard Provisions for NPDES Permits" contained in Attachment A of this Order. This attachment and its individual paragraphs are referred to as "Standard Provision(s)."

- E. The Discharger shall comply with the attached "General Provisions for Monitoring and Reporting" contained in Attachment B of this Order, and any revisions thereto, as ordered by the Executive Officer.
- F. When requested by USEPA, the Discharger shall complete and submit Discharge Monitoring Reports. The submittal date shall be no later than the submittal date specified in Monitoring and Reporting Program No. 6-98-36.
- G. This Order expires on **June 4, 2003**.
- H. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office.

To assume operation under this Order, the succeeding owner or operator must apply in writing to the Executive Officer requesting transfer of the Order. The request must contain the requesting entity's full legal name, the State of incorporation if a corporation, the name, address, and telephone number of the persons responsible for contact with the Regional Board, and a statement. The statement shall comply with the signatory paragraph of Standard Provision D.6 and state that the new owner or operator assumes full responsibility for compliance with this Order. Failure to submit the request shall be considered discharge without requirements, a violation of the California Water Code. Transfer shall be approved or disapproved in writing by the Executive Officer.

I, Harold J. Singer, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on June 4, 1998.

HAROLD J. SINGER
EXECUTIVE OFFICER

Attachments A. Standard Provisions for NPDES Permits
 B. General Provisions for Monitoring and Reporting

ATTACHMENT A

STANDARD PROVISIONS FOR NPDES PERMITS

1. The permittee must comply with all of the terms, requirements, and conditions of this permit. Any violation of this permit constitutes violation of the Act, its regulations and the California Water Code, and is grounds for enforcement action, permit termination, permit revocation, and reissuance, denial of an application for permit reissuance; or a combination thereof.
2. The permittee shall comply with effluent standards or prohibitions established under 307(a) of the Clean Water Act (CWA) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

The California Water Code provides that any person who violates a waste discharge requirement (same as permit condition), or a provision of the California Water Code, is subject to civil penalties of up to \$1,000 per day or \$10,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$20 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.*

Violations of any of the provisions of the NPDES program, or of any of the provisions of this permit, may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.*

3. The Clean Water Act (CWA) provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing these sections of the CWA is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. [40 CFR 122.41(a)(2)]
4. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. [40 CFR 122.41(b)]
5. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR 122.41(c)]
6. The permittee shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting health or the environment. [40 CFR 122.41(d)]
7. The permittee shall, at all times, properly operate and maintain all the facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this permit. Proper operation and maintenance includes adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities, or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this permit. [40 CFR 122.41(e)]

8. This permit may be modified, revoked and reissued, or terminated for **cause**. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [CFR 122.41(g)]
9. This permit does not convey any property rights of any sort, or any exclusive privilege. [40 CFR 122.41(f)]
10. The permittee shall furnish, within a reasonable time, any information the Board or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit. The permittee shall also furnish to the Board, upon request, copies of records required to be kept by this permit. [40 CFR 122.41(h)]
11. The Board, EPA, and other authorized representatives shall be allowed:
 - a) Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this permit;
 - b) Access to copy any records that are kept under the conditions of this permit;
 - c) To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - d) To photograph, sample, and monitor for the purpose of assuring compliance with this permit, or as otherwise authorized by the Clean Water Act.[40 CFR 122.41(j)]
12. Monitoring and records.
 - a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b) The permittee shall retain records of all monitoring information, including all calibration and maintenance monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or EPA at any time.
 - c) Records of monitoring information shall include:
 - i) The date, exact place, and time of sampling or measurements;
 - ii) The individual(s) who performed the sampling or measurements;
 - iii) The date(s) analyses were performed;
 - iv) The individual(s) who performed the analyses;
 - v) The analytical techniques or methods used; and
 - vi) The results of such analyses.
 - d) Monitoring must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this permit.
 - e) The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, or method required to be

maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

[40 CFR 122.41(j)]

13. All applications, reports, or information submitted to the Board shall be signed and certified in accordance with 40 CFR 122.22. [40 CFR 122.41(k)(l)]
14. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both. [40 CFR 122.41(k)(2)]
15. Reporting requirements:
 - a) The permittee shall give advance notice to the Board, as soon as possible of, any planned physical alterations, or additions to the permitted facility.
 - b) The permittee shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
 - c) This permit is not transferable to any person, except after notice to the Regional Board. The Board may require modification, or revocation and reissuance of the permit to change the name of the permittee, and incorporate such other requirements as may be necessary under the Clean Water Act.
 - d) Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - i) Monitoring results must be reported in a Discharge Monitoring Report (DMR).
 - ii) If the permittee monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - iii) Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
 - e) Report of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

- f) Twenty-four hour reporting.
 - i) The permittee shall report any noncompliance that may endanger health or the environment to the Board. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and time and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - ii) The following shall be included as information that must be report within 24 hours under this paragraph:
 - a) Any unanticipated bypass that exceeds any effluent limitation in the permit.
 - b) Any upset that exceeds any effluent limitation in the permit.
 - c) Violation of a maximum daily discharge limitation for any of the pollutants listed in this permit to be reported within 24 hours.
 - iii) The Board may waive the above-required written report on a case-by-case basis.
- g) The permittee shall report all instances of noncompliance, not otherwise reported under the above paragraphs, at the time monitoring reports are submitted. The reports shall contain all information listed in paragraph 15(f) above.

[40 CFR 122.41(1)]

16. Bypass (the intentional diversion of waste streams from any portion of facility) is prohibited. The Board may take enforcement action against the Discharger for bypass unless:
- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.);
 - b) There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up

equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance; and

- c) The permittee submitted a notice, at least ten days in advance, of the need for a bypass to the appropriate Board.

The permittee may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable.

The permittee shall submit notice of an unanticipated bypass as required in paragraph 15(f) above.

[40 CFR 122.41(m)]

- 17. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper action. A permittee that wishes to establish the affirmative defense of an upset in an action brought for noncompliance shall demonstrate, through signed, contemporaneous operating logs, or other relevant evidence that:
 - a) an upset occurred and that the permittee can identify the cause(s) of the upset;
 - b) the permitted facility was being properly operated at the time of the upset;
 - c) the permittee submitted notice of the upset as required in paragraph 15(f) above; and
 - d) the permittee complied with any remedial measures required under paragraph 7.

No determination made before an action for noncompliance, such as during administrative review of claims that noncompliance was caused by an upset, is final administrative action subject to judicial review.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

[40 CFR 122.41(n)]

- 18. All existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Board as soon as they know or have reason to believe:
 - a) that any activity has occurred or will occur that would result in the discharge of any toxic pollutant that is not limited in this

permit, if that discharge will exceed the highest of the following "notification levels:"

- i) One hundred micrograms per liter (100 ug/l);
 - ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - iv) The level established by the Regional Board in accordance with 40 CFR 122.44(f).
- b) that they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant that was not reported in the permit application.

[40 CFR 122.42(a)]

* This paragraph was added or modified by the State Water Quality Control Board to the California Water Code.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

MONITORING AND REPORTING PROGRAM NO. 98-36

NPDES NO. CAG996001

FOR

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES)
GENERAL PERMIT FOR
LIMITED THREAT DISCHARGES TO SURFACE WATERS**

I. MONITORING

This monitoring program includes both discharge and receiving water sampling. It is the Regional Board's policy to periodically review all monitoring and reporting programs to evaluate their adequacy and usefulness. If this monitoring program shows that the discharge is not posing a significant threat to exceed receiving water limits, the Regional Board will modify this monitoring program to reduce constituents analyzed and/or sampling frequency.

A. Flow Monitoring

The Discharger shall calculate the average daily flow rate of the Facility discharge during the entire period of the discharge. A log of all startup and shutdown times shall also be kept.

B. Discharge Monitoring

Beginning at the onset of any discharge and continuing throughout the period of discharge, grab samples of the Facility effluent shall be collected at twelve (12) hour intervals at the discharge point and analyzed as follows:

<u>Constituent</u>	<u>Units</u>	<u>Detection Limit</u>
Total Dissolved Solids	mg/l	
Total Nitrogen	mg/l as N	0.1 mg/l
Total Phosphorus	mg/l as P	0.01 mg/l
Total Iron	mg/l	0.05 mg/l
Turbidity	NTU	0.1 NTU
Temperature	°C	
pH	pH units	

C. Receiving Water Monitoring

Receiving water sampling stations shall be established at locations agreed upon with Regional Board staff prior to discharge. Two stations shall be established with one upstream of any potential influence from the discharge and one downstream of all discharges to the stream. Grab samples of the receiving water shall be collected every 12 hours. The initial sample shall be taken at the first sign of discharge to the surface water. Samples shall be analyzed for the following:

<u>Constituent</u>	<u>Units</u>	<u>Detection Limit</u>
Total Dissolved Solids	mg/l	
Total Nitrogen	mg/l as N	0.1 mg/l
Total Phosphorus	mg/l as P	0.01 mg/l
Total Iron	mg/l	0.05 mg/l
Turbidity	NTU	0.1 NTU
Temperature	°C	
pH	pH units	

In conducting the receiving water sampling, a log shall be kept of the visual condition of the surface water. Attention shall be given to the presence or absence of:

- a. Floating or suspended matter
- b. Discoloration
- c. Visible films, sheens, or coatings
- d. Potential nuisance conditions
- e. Aquatic life
- f. Algae, fungi, slimes or other aquatic vegetation

D. Analysis of Samples

All analyses shall be performed in accordance with the current edition of *Standard Methods for the Examination of Water and Wastewater*, and in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Executive Officer.

II. REPORTINGA. General Provisions

The Discharger shall comply with the "General Provisions for Monitoring and Reporting", dated September 1, 1994, which is attached to and made a part of this Monitoring and Reporting Program.

B. Report Format

In reporting the monitoring data, the Discharger shall arrange the data in tabular form so that the date, the constituents, the concentrations and the sampling points are readily discernible. Original lab data sheets (or photocopies) shall also be included.

C. Submittal Periods

Samples shall be analyzed as soon possible, but no longer than 12 hours after they are collected. Reports shall be transmitted by facsimile or hand delivered to the Regional Board office in South Lake Tahoe within 24 hours of the time of sampling.

HAROLD J. SINGER
EXECUTIVE OFFICER

Date: _____

Attachment: General Provisions for Monitoring and Reporting

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

GENERAL PROVISIONS
FOR MONITORING AND REPORTING

1. **SAMPLING AND ANALYSIS**

- a. All analyses shall be performed in accordance with the current edition(s) of the following documents:
 - i. Standard Methods for the Examination of Water and Wastewater
 - ii. Methods for Chemical Analysis of Water and Wastes, EPA
- b. All analyses shall be performed in a laboratory certified to perform such analyses by the California State Department of Health Services or a laboratory approved by the Regional Board Executive Officer. Specific methods of analysis must be identified on each laboratory report.
- c. Any modifications to the above methods to eliminate known interferences shall be reported with the sample results. The methods used shall also be reported. If methods other than EPA-approved methods or Standard Methods are used, the exact methodology must be submitted for review and must be approved by the Regional Board Executive Officer prior to use.
- d. The discharger shall establish chain-of-custody procedures to insure that specific individuals are responsible for sample integrity from commencement of sample collection through delivery to an approved laboratory. Sample collection, storage, and analysis shall be conducted in accordance with an approved Sampling and Analysis Plan (SAP). The most recent version of the approved SAP shall be kept at the facility.
- e. The discharger shall calibrate and perform maintenance procedures on all monitoring instruments and equipment to ensure accuracy of measurements, or shall insure that both activities will be conducted. The calibration of any wastewater flow measuring device shall be recorded and maintained in the permanent log book described in 2.b, below.
- f. A grab sample is defined as an individual sample collected in fewer than 15 minutes.
- g. A composite sample is defined as a combination of no fewer than eight individual samples obtained over the specified sampling period at equal intervals. The volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling. The sampling period shall equal the discharge period, or 24 hours, whichever period is shorter.

2. OPERATIONAL REQUIREMENTS

a. Sample Results

Pursuant to California Water Code Section 13267(b), the discharger shall maintain all sampling and analytical results including: strip charts; date, exact place, and time of sampling; date analyses were performed; sample collector's name; analyst's name; analytical techniques used; and results of all analyses. Such records shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.

b. Operational Log

Pursuant to California Water Code Section 13267(b), an operation and maintenance log shall be maintained at the facility. All monitoring and reporting data shall be recorded in a permanent log book.

3. REPORTING

- a. For every item where the requirements are not met, the discharger shall submit a statement of the actions undertaken or proposed which will bring the discharge into full compliance with requirements at the earliest time, and shall submit a timetable for correction.
- b. Pursuant to California Water Code Section 13267(b), all sampling and analytical results shall be made available to the Regional Board upon request. Results shall be retained for a minimum of three years. This period of retention shall be extended during the course of any unresolved litigation regarding this discharge, or when requested by the Regional Board.
- c. The discharger shall provide a brief summary of any operational problems and maintenance activities to the Board with each monitoring report. Any modifications or additions to, or any major maintenance conducted on, or any major problems occurring to the wastewater conveyance system, treatment facilities, or disposal facilities shall be included in this summary.
- d. Monitoring reports shall be signed by:
 - i. In the case of a corporation, by a principal executive officer at least of the level of vice-president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates;
 - ii. In the case of a partnership, by a general partner;
 - iii. In the case of a sole proprietorship, by the proprietor; or

- iv. In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
- e. Monitoring reports are to include the following:
 - i. Name and telephone number of individual who can answer questions about the report.
 - ii. The Monitoring and Reporting Program Number.
 - iii. WDID Number.
- f. Modifications

This Monitoring and Reporting Program may be modified at the discretion of the Regional Board Executive Officer.

4. NONCOMPLIANCE

Under Section 13268 of the Water Code, any person failing or refusing to furnish technical or monitoring reports, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in an amount of up to one thousand dollars (\$1,000) for each day of violation.